

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6313

BILL NUMBER: HB 1108

NOTE PREPARED: Nov 28, 2010

BILL AMENDED:

SUBJECT: Certain Sex Offenders and School Property.

FIRST AUTHOR: Rep. Richardson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that, as a condition of probation, a sex offender who is a sexually violent predator or an offender against children (sex offender) is prohibited from being on the property of an elementary or a secondary school.

It provides that:

- (1) if the sex offender attends an elementary or a secondary school, the sex offender is prohibited from being on the property of an elementary or a secondary school other than the school that the sex offender attends; and
- (2) if the sex offender is a parent or guardian of a child who attends an elementary or a secondary school, the sex offender is required to notify the school (and, if the school is a public school, the school corporation) in writing that the sex offender is a sexually violent predator or an offender against children, and is prohibited from being on the property of the school that the child attends unless the sex offender is attending a meeting with a teacher or school administrator and is escorted by an employee of the school or school district while on school property.

Effective Date: July 1, 2011.

Explanation of State Expenditures: The court may revoke a person's probation if the person violates a condition of probation during the probationary period. If the court finds that the person has violated a condition of probation, the court may continue the person on probation, with or without modifying or enlarging the conditions; extend the person's probationary period; or order execution of all or part of the sentence that was suspended at the time of initial sentencing. If more sex offenders are revoked from

probation and, instead, serve a term of incarceration, costs for the Department of Correction (DOC) could increase.

The average expenditure to house an adult offender was \$19,307 in FY 2010, and the estimated average cost of housing a juvenile in a state juvenile facility was \$68,260. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner.

Background: As of November 10, 2010, there were 9,249 offenders listed in the Indiana Sex and Violent Offender Registry under an active registration status and living in Indiana. On December 31, 2009, there were 23,380 adult felony offenders on post-sentence probation and 9,756 nonstatus delinquents on post-judgement supervision. In 2009, of the 34,776 adult probation dispositions for all felony offenses, 4,575 (13.2%) were revoked for a new criminal violation and 5,392 (15.5%) were revoked for a technical violation of probation. For juvenile probation dispositions, of the total 22,367 dispositions, 929 (4.2%) were committed to a correctional facility.

Explanation of State Revenues:

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Division of State Court Administration, *2009 Indiana Probation Report*; Indiana Sheriffs' Association; DOC.

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